

**SENATE BILL NO. 2012**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of various divisions of  
 2 the department of health and human services; to provide an exemption; to amend and reenact  
 3 sections 50-06-42, 50-24.1-26, and 50-29-04 of the North Dakota Century Code, relating to the  
 4 substance use disorder treatment voucher system, Medicaid in-home services, and the  
 5 children's health insurance program; to repeal section 50-06-32.1 of the North Dakota Century  
 6 Code, relating to the autism voucher; to provide a statement of legislative intent; to provide for a  
 7 study; and to provide for a report; and to provide an effective date.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 10 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 11 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 12 other income, to the department of health and human services for the purpose of defraying the  
 13 expenses of its various divisions, for the biennium beginning July 1, 2023, and ending June 30,  
 14 2025, as follows:

15 Subdivision 1.

16 MANAGEMENT

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
17			
18			
19	<u>Salaries and wages</u>	<u>\$44,856,698</u>	<u>\$21,363,556</u>
20	<u>Operating expenses</u>	<u>200,966,186</u>	<u>151,161,924</u>
21	<u>Capital assets</u>	<u>75,000</u>	<u>75,000</u>
22	<u>Total all funds</u>	<u>\$245,897,884</u>	<u>\$172,600,480</u>
23	<u>Less estimated income</u>	<u>126,253,635</u>	<u>92,905,425</u>
24	<u>Total general fund</u>	<u>\$119,644,249</u>	<u>\$79,695,055</u>

1 ~~Subdivision 2.~~

2 ~~PROGRAM AND POLICY~~

3 ~~Governor's~~

4	<del>Base Level</del>	<del>Recommendation</del>	<del>Appropriation</del>
5	<del>Salaries and wages</del>	<del>\$122,081,310</del>	<del>\$145,041,328</del>
6	<del>Operating expenses</del>	<del>176,078,719</del>	<del>239,952,161</del>
7	<del>Capital assets</del>	<del>10,000</del>	<del>10,000</del>
8	<del>Medicaid clawback</del>	<del>0</del>	<del>49,291,723</del>
9	<del>Grants</del>	<del>467,144,387</del>	<del>649,578,473</del>
10	<del>Grants - medical assistance</del>	<del>3,028,666,463</del>	<del>3,557,160,984</del>
11	<del>Opioid prevention</del>	<del>0</del>	<del>2,000,000</del>
12	<del>Total all funds</del>	<del>\$3,793,980,879</del>	<del>\$4,643,034,669</del>
13	<del>Less estimated income</del>	<del>2,499,452,626</del>	<del>3,024,382,814</del>
14	<del>Total general fund</del>	<del>\$1,294,528,253</del>	<del>\$1,618,651,855</del>

15 ~~Subdivision 3.~~

16 ~~FIELD SERVICES~~

17 ~~Governor's~~

18	<del>Base Level</del>	<del>Recommendation</del>	<del>Appropriation</del>
19	<del>Human service centers</del>	<del>\$163,213,829</del>	<del>\$0</del>
20	<del>Institutions</del>	<del>130,383,428</del>	<del>0</del>
21	<del>Institutions and human service centers</del>	<del>0</del>	<del>351,974,123</del>
22	<del>Total all funds</del>	<del>\$293,597,257</del>	<del>\$351,974,123</del>
23	<del>Less estimated income</del>	<del>114,273,299</del>	<del>114,273,299</del>
24	<del>Total general fund</del>	<del>\$179,323,958</del>	<del>\$250,358,981</del>

25 ~~Subdivision 4.~~

26 ~~COUNTY SOCIAL SERVICE FINANCING~~

27 ~~Governor's~~

28	<del>Base Level</del>	<del>Recommendation</del>	<del>Appropriation</del>
29	<del>County social services</del>	<del>\$189,917,386</del>	<del>\$207,263,631</del>
30	<del>Total all funds</del>	<del>\$189,917,386</del>	<del>\$207,263,631</del>

Sixty-eighth  
Legislative Assembly

1	<del>Less estimated income</del>	<del>188,676,995</del>	<del>205,892,562</del>	<del>188,676,995</del>
2	<del>Total general fund</del>	<del>\$1,240,391</del>	<del>\$1,371,069</del>	<del>\$1,240,391</del>
3	<del>Subdivision 5.</del>			
4	<del>TOTAL - SECTION 1</del>			
5	<del>Governor's</del>			
6		<del>Base Level</del>	<del>Recommendation</del>	<del>Appropriation</del>
7	<del>Grand total general fund</del>	<del>\$1,554,787,657</del>	<del>\$1,990,026,154</del>	<del>\$1,554,787,657</del>
8	<del>Grant total special funds</del>	<del>2,895,308,345</del>	<del>3,458,144,153</del>	<del>2,895,308,345</del>
9	<del>Grant total all funds</del>	<del>\$4,450,096,002</del>	<del>\$5,448,170,307</del>	<del>\$4,450,096,002</del>
10	<del>Full-time equivalent positions</del>	<del>2,265.33</del>	<del>2,346.33</del>	<del>2,265.33</del>
11		<del>Adjustments or</del>		
12		<del>Base Level</del>	<del>Enhancements</del>	<del>Appropriation</del>
13	<del>Salaries and wages</del>	<del>\$21,363,556</del>	<del>\$3,045,900</del>	<del>\$24,409,456</del>
14	<del>Operating expenses</del>	<del>151,161,924</del>	<del>89,904,000</del>	<del>241,065,924</del>
15	<del>Capital assets</del>	<del>75,000</del>	<del>0</del>	<del>75,000</del>
16	<del>Total all funds</del>	<del>\$172,600,480</del>	<del>\$92,949,900</del>	<del>\$265,550,380</del>
17	<del>Less estimated income</del>	<del>92,905,426</del>	<del>93,255,417</del>	<del>186,160,843</del>
18	<del>Total general fund</del>	<del>\$79,695,054</del>	<del>(\$305,517)</del>	<del>\$79,389,537</del>
19	<del>Subdivision 2.</del>			
20	<del>PROGRAM AND POLICY</del>			
21		<del>Adjustments or</del>		
22		<del>Base Level</del>	<del>Enhancements</del>	<del>Appropriation</del>
23	<del>Salaries and wages</del>	<del>\$122,081,310</del>	<del>\$19,537,197</del>	<del>\$141,618,507</del>
24	<del>Operating expenses</del>	<del>176,078,719</del>	<del>55,722,549</del>	<del>231,801,268</del>
25	<del>Capital assets</del>	<del>10,000</del>	<del>0</del>	<del>10,000</del>
26	<del>Grants</del>	<del>467,144,387</del>	<del>190,506,682</del>	<del>657,651,069</del>
27	<del>Grants - medical assistance</del>	<del>3,028,666,463</del>	<del>556,176,867</del>	<del>3,584,843,330</del>
28	<del>Opioid prevention</del>	<del>0</del>	<del>2,000,000</del>	<del>2,000,000</del>
29	<del>Total all funds</del>	<del>\$3,793,980,879</del>	<del>\$823,943,295</del>	<del>\$4,617,924,174</del>
30	<del>Less estimated income</del>	<del>2,499,452,627</del>	<del>489,283,991</del>	<del>2,988,736,618</del>
31	<del>Total general fund</del>	<del>\$1,294,528,252</del>	<del>\$334,659,304</del>	<del>\$1,629,187,556</del>

1 Subdivision 3.

2 FIELD SERVICES

3 Adjustments or

4	Base Level	Enhancements	Appropriation
5 <u>Human service centers</u>	\$163,213,829	\$26,160,626	\$189,374,455
6 <u>Institutions</u>	130,383,428	33,139,340	163,522,768
7 <u>Total all funds</u>	\$293,597,257	\$59,299,966	\$352,897,223
8 <u>Less estimated income</u>	114,273,300	(18,574,719)	95,698,581
9 <u>Total general fund</u>	\$179,323,957	\$77,874,685	\$257,198,642

10 Subdivision 4.

11 COUNTY SOCIAL SERVICE FINANCING

12 Adjustments or

13	Base Level	Enhancements	Appropriation
14 <u>County social services</u>	\$189,917,386	\$35,444,200	\$225,361,586
15 <u>Total all funds</u>	\$189,917,386	\$35,444,200	\$225,361,586
16 <u>Less estimated income</u>	188,676,995	35,333,519	224,010,514
17 <u>Total general fund</u>	\$1,240,391	\$110,681	\$1,351,072

18 Subdivision 5.

19 TOTAL - SECTION 1

20 Adjustments or

21	Base Level	Enhancements	Appropriation
22 <u>Grand total general fund</u>	\$1,554,787,654	\$412,339,153	\$1,967,126,807
23 <u>Grant total special funds</u>	2,895,308,348	599,298,208	3,494,606,556
24 <u>Grant total all funds</u>	\$4,450,096,002	\$1,011,637,361	\$5,461,733,363
25 <u>Full-time equivalent positions</u>	2,265.33	94.00	2,359.33

26 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding  
27 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium:

28	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
29	<del>Technology projects</del>	<del>\$67,596,372</del>	<del>\$0</del>
30	Technology projects	\$67,596,372	\$72,000,000
31	Quality measures	45,375	0

Sixty-eighth  
Legislative Assembly

1	Nursing payment methodology	7,200,000	0
2	Developmental disabilities provider stabilization grants	125,000	0
3	<del>Human service center project</del>	<del>724,000</del>	<del>0</del>
4	Human service center projects	724,000	735,154
5	Opioid settlement funding	2,000,000	0
6	<del>Special session one-time appropriations</del>	<del>138,389,558</del>	<del>0</del>
7	<del>Total all funds</del>	<del>\$216,080,305</del>	<del>\$0</del>
8	<del>Less estimated income</del>	<del>191,847,089</del>	<del>0</del>
9	<del>Total general fund</del>	<del>\$24,233,216</del>	<del>\$0</del>
10	Special session one-time appropriations	138,389,558	0
11	State hospital design	0	5,000,000
12	Operating inflation	0	20,564,344
13	Field services revenue replacement	0	36,028,141
14	Program integrity audits	0	4,500,000
15	Pregnant and parenting residential	0	1,000,000
16	Workforce initiative	0	13,000,000
17	Total all funds	\$216,080,305	\$152,827,639
18	Less estimated income	191,847,089	97,267,326
19	Total general fund	\$24,233,216	\$55,560,313

**SECTION 3. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly for the biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the department of health and human services.

Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of section 1 of this Act for the

1 biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the department of  
2 health and human services. The department of health and human services shall notify the  
3 legislative council of any transfer made pursuant to this section. The department shall report to  
4 the budget section after June 30, 2024, any transfer made in excess of \$50,000 and to the  
5 appropriations committees of the sixty-ninth legislative assembly regarding any transfers made  
6 pursuant to this section.

7 ~~**SECTION 4. FUNDING TRANSFERS -- EXEMPTION -- AUTHORIZATION -- REPORT.**~~

8 ~~Notwithstanding section 54-16-04, the director of the office of management and budget shall~~  
9 ~~transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this~~  
10 ~~Act to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2023, and ending~~  
11 ~~June 30, 2025, as requested by the department of health and human services. The department~~  
12 ~~of health and human services shall notify the legislative council of any transfer made pursuant~~  
13 ~~to this section. The department shall report to the budget section after June 30, 2024, any~~  
14 ~~transfer made in excess of \$50,000 and to the appropriations committees of the sixty-ninth~~  
15 ~~legislative assembly regarding any transfers made pursuant to this section.~~

16 **SECTION 4. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and  
17 section 1 of House Bill No. 1004 include appropriation authority for the department of health and  
18 human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On July 1,  
19 2023, the office of management and budget shall combine the appropriation authority contained  
20 in section 1 of this Act and section 1 of House Bill No. 1004, and any other appropriation  
21 authority for the department of health and human services in other bills approved by the  
22 sixty-eighth legislative assembly, into one budget for the department of health and human  
23 services. The department of health and human services shall submit one budget request for the  
24 biennium beginning July 1, 2025, and ending June 30, 2027.

25 **SECTION 5. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**  
26 **HUMAN SERVICE FINANCE FUND.** The office of management and budget shall transfer the  
27 sum of \$21,600,000 from the strategic investment and improvements fund to the human service  
28 finance fund during the biennium beginning July 1, 2023, and ending June 30, 2025.

29 **SECTION 6. ESTIMATED INCOME - HUMAN SERVICE FINANCE FUND.** The estimated  
30 income line item in subdivision 4 of section 1 of this Act includes the sum of

1 ~~\$187,223,092~~\$221,600,000 from the human service finance fund for state-paid economic  
2 assistance and social and human services.

3 **SECTION 7. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated  
4 income line item in subdivision 2 of section 1 of this Act includes the sum of  
5 ~~\$31,500,000~~\$20,400,000 from the community health trust fund for defraying expenses ~~in the~~  
6 ~~medical services division~~of the child support computer replacement project.

7 ~~— SECTION 7. ESTIMATED INCOME - HEALTH CARE TRUST FUND.~~ The estimated  
8 ~~income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from~~  
9 ~~the health care trust fund and \$1,150,538 from federal funds for nursing facility operating~~  
10 ~~margin adjustments.~~

11 **SECTION 8. ESTIMATED INCOME - LEGACY EARNINGS FUND.** The estimated income  
12 line item in subdivision 2 of section 1 of this Act includes the sum of \$7,000,000 from the legacy  
13 earnings fund for defraying expenses for the child care assistance programs.

14 **SECTION 9. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
15 **FUND.** The estimated income line item in subdivision 5 of section 1 of this Act includes the sum  
16 of \$17,735,154 from the strategic investment and improvements fund for the following  
17 purposes:

- 18 1. The sum of \$11,000,000 for the procurement and grants management system;
- 19 2. The sum of \$5,000,000 for the design of a new state hospital;
- 20 3. The sum of \$1,000,000 for pregnant and parenting women residential facilities; and
- 21 4. The sum of \$735,154 for projects at the southeast human service center.

22 **SECTION 10. CAPITAL PAYMENTS.** During the biennium beginning July 1, 2023, and  
23 ending June 30, 2025, the department of health and human services is authorized to expend  
24 funds for the payment of special assessments at the state hospital and life skills and transition  
25 center. Pursuant to section 3 of this Act, the director of the office of management and budget  
26 may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of  
27 section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority  
28 for the department of health and human services approved by the sixty-eighth legislative  
29 assembly. The department may transfer funds for the payment of special assessments at the  
30 state hospital and life skills and transition center ahead of the special assessments schedule.

1 Notwithstanding section 54-27-12, the department may spend funds for the payment of special  
2 assessments at the state hospital and life skills and transition center.

3 **SECTION 11. CAPITAL PROJECTS - EMERGENCY COMMISSION APPROVAL.** During  
4 the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and  
5 human services is authorized to proceed with the demolition of the administrative building and  
6 employee building and associated tunnels at the state hospital. Pursuant to section 3 of this Act,  
7 the director of the office of management and budget may transfer appropriation authority  
8 between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill  
9 No. 1004, and any remaining appropriation authority for the department of health and human  
10 services approved by the sixty-eighth legislative assembly. The department may transfer funds  
11 for the demolition of the identified buildings and associated tunnels and for emergency capital  
12 projects. Notwithstanding section 54-27-12, the department of health and human services may  
13 spend up to \$5,000,000 for emergency projects under this section and may seek emergency  
14 commission approval to spend more than \$5,000,000 under this section.

15 **SECTION 12. CHILD CARE FINANCIAL ASSISTANCE - DIRECT PAYMENTS.**  
16 Subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 for the purpose of financial  
17 assistance and direct payments for child care services for the biennium beginning July 1, 2023,  
18 and ending June 30, 2025. Notwithstanding subsection 3 of section 50-11.1-14.1, the  
19 department may provide financial assistance to beneficiaries related to child care services. The  
20 requirements of chapter 54-44.4 do not apply to this subsection, including the selection of  
21 recipients and the disbursement of funds.

22 **SECTION 13. PERMANENT SUPPORTIVE HOUSING GRANTS.** Subdivision 2 of  
23 section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent  
24 supportive housing grants. The department of health and human services shall develop a  
25 funding methodology to distribute the funding to qualified entities that utilize best practices for  
26 permanent supportive housing, provide recovery-oriented and person-centered services, submit  
27 process and outcome measures to the department, and authorize the department to conduct  
28 onsite visits to review program operations.

29 **SECTION 14. STATE HOSPITAL PROJECT - COMMUNITY ACUTE PSYCHIATRY -**  
30 **REPORT.** Subdivision 3 of section 1 of this Act includes the sum of \$5,000,000 from the  
31 strategic investment and improvements fund for the design of a new state hospital. As part of

1 the design process, the department of health and human services shall consider statewide  
2 acute psychiatric needs, including the establishment of acute psychiatric facilities in Dickinson,  
3 Williston, Minot, Devils Lake, and Grand Forks and shall consider collaborating and entering  
4 partnerships with local mental health and substance use disorder providers. The department  
5 shall present a report to the sixty-ninth legislative assembly regarding options for a new state  
6 hospital.

7 **SECTION 15. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**  
8 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

- 9 1. Subdivision 2 of section 1 of this Act includes the sum of \$942,550,279, of which  
10 \$94,225,028 is from the general fund, for the medical assistance expansion program  
11 for the biennium beginning July 1, 2023, and ending June 30, 2025. The expenditures  
12 for individuals eligible for the medical assistance expansion program may not exceed  
13 this amount.
- 14 2. The department of health and human services may exceed appropriations for  
15 increases in medical assistance expansion program caseload, for the addition of  
16 coverage consistent with the traditional Medicaid 1915(i) state plan, utilization rates,  
17 and unwinding of the federal Medicaid continuous enrollment requirement, and  
18 reduction in federal medical assistance percentage.
- 19 3. The managed care organization under contract with the department to manage the  
20 medical assistance expansion program shall reimburse providers within the same  
21 provider type and specialty at consistent levels and with consistent methodology and  
22 may not provide incentive, quality, or supplemental payments to providers, unless part  
23 of a value-based program approved by the department. The managed care  
24 organization shall reimburse all North Dakota substance use providers of American  
25 society of addiction medicine level 2.5 at consistent levels and with consistent  
26 methodology. The managed care organization may consider urban and rural providers  
27 as different provider types. Critical access hospitals may not be paid less than one  
28 hundred percent of Medicare allowable costs.
- 29 4. The managed care organization and the department of health and human services  
30 shall ensure payments to Indian or Tribal 638 health care providers, federally qualified

1 health centers, and rural health clinics meet the federally required minimum levels of  
2 reimbursement.

- 3 5. The department of health and human services shall ensure providers within the same  
4 provider type and specialty are reimbursed at consistent levels and with consistent  
5 methodology and shall ensure the capitation rates under risk contracts are actuarially  
6 sound and are adequate to meet managed care organization contractual requirements  
7 regarding availability of services, assurance of adequate capacity and services, and  
8 coordination and continuity of care.

9 **SECTION 16. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **50-06-42. Substance use disorder treatment voucher system. (~~Retroactive application~~**  
12 **~~-See note)~~**

- 13 1. The department shall establish and administer, within the limits of legislative  
14 appropriations, a voucher system to address underserved areas and gaps in the  
15 state's substance abuse treatment system and to assist in the payment of addiction  
16 treatment services provided by licensed substance abuse treatment programs,  
17 excluding regional human service centers, ~~and~~ hospital- or medical clinic-based  
18 programs for medical management of withdrawal, ~~and any institution for mental~~  
19 ~~diseases in accordance with subsection 2.~~ An out-of-state licensed substance abuse  
20 treatment program located within a bordering state may participate in the voucher  
21 program to serve an underserved area of this state pursuant to the rules adopted by  
22 the department. The department shall develop rules to include processes and  
23 requirements for an out-of-state provider to receive reimbursement only for outpatient  
24 and community-based services upon a provider completing an assessment of need  
25 and receiving approval from the department.
- 26 2. ~~The department shall deny a licensed substance abuse treatment program's~~  
27 ~~substance use disorder treatment voucher system application and deny~~  
28 ~~reimbursement by the substance use disorder treatment voucher system if the~~  
29 ~~licensed substance abuse treatment program is an institution for mental diseases and~~  
30 ~~reimbursement is requested for residential beds added on or after July 1, 2020.~~

~~3.~~ Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures.

4.3. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.

5.4. The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:

- a. No more than forty-five percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.
- b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.

**SECTION 17. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-26. Medicaid waivers - In-home services.**

The department shall administer Medicaid waivers to provide in-home services to children with extraordinary medical needs and to children up to the age of ~~sixteen~~eighteen diagnosed with an autism spectrum disorder who would otherwise meet institutional level of care. The department may prioritize applicants for the waiver for children with extraordinary medical needs by degree of need.

**SECTION 18. AMENDMENT.** Section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

**50-29-04. Plan requirements.**

The plan:

- 1       1. Must be consistent with coverage provided to children eligible for medical assistance
- 2           in the state; and
- 3       2. Must provide:
- 4           a. A modified adjusted gross income eligibility limit of ~~one~~two hundred
- 5           ~~seventy-five~~ten percent of the poverty line; and
- 6           b. Current eligibility may be established from the first day of the month in which the
- 7           application was received. Retroactive eligibility may be established for the three
- 8           calendar months that immediately preceded the month in which the application
- 9           was received even if there is no eligibility in the month of application. Eligibility
- 10          can be established if all factors of eligibility are met during each month.

11       **SECTION 19. REPEAL.** Section 50-06-32.1 of the North Dakota Century Code is repealed.

12       **SECTION 20. BUILDING PROJECT - LEASE.** The department of health and human  
13 services is authorized to enter into agreements with vendors to build two buildings for the  
14 department to lease for the lake region human service center and northwest human service  
15 center for the biennium beginning July 1, 2023, and ending June 30, 2025.

16       **SECTION 21. LEASE OF LAND - STATE HOSPITAL.** The department of health and  
17 human services and national guard may enter an agreement to lease up to twenty acres of real  
18 property associated with the state hospital for the national guard to construct a new training and  
19 storage facility.

20       **SECTION 22. PROVIDER PROCESS AND OUTCOME MEASURES.** Providers that  
21 receive funding from the department of health and human services shall submit process and  
22 outcome measures, as required by the department, to the department for programs and  
23 services supported by state funding during the biennium beginning July 1, 2023, and ending  
24 June 30, 2025, for the department to evaluate the administration of the programs and services  
25 using the appropriation for the program or service.

26       **SECTION 23. HUMAN SERVICE CENTERS - CERTIFIED COMMUNITY BEHAVIORAL**  
27 **HEALTH CLINICS - CONTINGENT FULL-TIME EQUIVALENT POSITIONS - REPORT.**

28 Beginning with the effective date of this Act, the department of health and human services shall  
29 select three human service centers to begin the process of becoming a certified community  
30 behavioral health clinic to provide continuous community-based behavioral health services for  
31 children and adults. The department shall pursue additional federal funding as available.

1 Subject to the availability of generated income, the department may add up to fifty full-time  
2 equivalent positions for field services to provide direct services for the period beginning with the  
3 effective date of this Act and ending June 30, 2025. The department shall report to the office of  
4 management and budget and legislative council each time a position is added.

5 **SECTION 24. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following  
6 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into  
7 the biennium beginning July 1, 2023, and ending June 30, 2025:

- 8 1. The sum of \$750,000 appropriated from the general fund for suicide prevention grants  
9 in chapter 37 of the 2019 Session Laws;
- 10 2. The sum of \$1,776,000 appropriated from the strategic investment and improvements  
11 fund and the sum of \$5,328,000 appropriated from federal funds for the Medicaid  
12 management information system technology stack upgrade in chapter 37 of the 2019  
13 Session Laws;
- 14 3. The sum of \$600,000 appropriated from the general fund and the sum of \$1,800,000  
15 appropriated from federal funds for the Medicaid management information system  
16 technology stack upgrade in chapter 12 of the 2021 Session Laws;
- 17 4. The sum of \$4,326,686 appropriated from the general fund and the sum of  
18 \$30,673,314 appropriated from federal funds for the Medicaid management  
19 information system modularization technology project in chapter 12 of the 2021  
20 Session Laws;
- 21 5. Any amounts appropriated to the department of health and human services in  
22 chapter 549 of the 2021 Special Session Session Laws of which the amount  
23 appropriated for medical assistance percentage adjustments may be used for the  
24 home- and community-based services 10 percent enhancement plan;
- 25 6. Any amounts appropriated to the department of health and human services in  
26 chapter 550 of the 2021 Special Session Session Laws;
- 27 7. Any amounts appropriated to the department of health and human services for  
28 COVID-19 relief in chapters 27 and 28 of the 2021 Session Laws;
- 29 8. The amount appropriated for the modification of the department of human services'  
30 eligibility systems in chapter 578 of the 2011 Special Session Session Laws which was

1 continued into the 2013-15 biennium, then the 2015-17 biennium, then the 2017-19  
2 biennium, then the 2019-21 biennium, and then 2021-23 biennium; and  
3 9. The sum of \$2,000,000 appropriated for substance use disorder voucher system  
4 grants in chapter 12 of the 2021 Session Laws which may be continued and spent  
5 pursuant to section 50-06-42.1.

6 **SECTION 25. EXEMPTION - EARLY CHILDHOOD INFORMATION SYSTEM.** The  
7 requirements of chapter 54-44.4 do not apply to the selection of a vendor, the procurement  
8 award, or payments made under this section regarding an early childhood workforce and  
9 professional development information system or an early childhood resource and referral  
10 information system for the biennium beginning July 1, 2023, and ending June 30, 2025.

11 **SECTION 26. EXEMPTION - PURCHASE OF CONSUMABLES.** The requirements of  
12 chapter 54-44.4 do not apply to the purchase of consumables at the department of health and  
13 human services continuously staffed residential units during low-census time periods for the  
14 biennium beginning July 1, 2023, and ending June 30, 2025.

15 **SECTION 27. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT.** It is the intent  
16 of the sixty-eighth legislative assembly that the department of health and human services seeks  
17 a deficiency appropriation from the sixty-ninth legislative assembly for any expenditures that  
18 exceed appropriated amounts as a result of utilization rates, discontinuation of the federal  
19 Medicaid continuous enrollment requirement, value-based purchasing for nursing facilities, and  
20 reduction in federal medical assistance percentage, during the biennium beginning July 1, 2023,  
21 and ending June 30, 2025, if funding is not sufficient to pay actual expenses.

22 **SECTION 28. LEGISLATIVE INTENT - PROVIDER RATE INCREASE.** Except as  
23 otherwise noted, section 1 of this Act includes funding for human service provider inflation  
24 increases of four percent for each year of the biennium beginning July 1, 2023, and ending  
25 June 30, 2025. Section 1 of this Act includes funding for developmental disability service  
26 payment inflation increases of seven percent the first year of the biennium and four percent the  
27 second year of the biennium beginning July 1, 2023, and ending June 30, 2025. The provider  
28 inflation increase in this section does not apply to nursing and basic care facilities.

29 **SECTION 29. FEDERAL FUNDING APPEAL LIMITATION.** Except as otherwise  
30 specifically provided by federal law, a person may not appeal a denial, revocation, reduction in  
31 services or payment, or the termination of a program or service by the department of health and

1 human services due to the unavailability of federal coronavirus funding received under federal  
2 law resulting from the federal coronavirus pandemic emergency declaration for the biennium  
3 beginning July 1, 2023, and ending June 30, 2025.

4 **SECTION 30. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD**  
5 **PROGRAMS AND SERVICES.** During the 2023-24 interim, the legislative management shall  
6 consider studying the early child care programs and child care services to identify major needs  
7 and systemic approaches to stabilize child care infrastructure. The legislative management shall  
8 report its findings and recommendations, together with any legislation required to implement the  
9 recommendations, to the sixty-ninth legislative assembly.

10 **SECTION 31. LEGISLATIVE MANAGEMENT REPORT - EARLY CHILDHOOD**  
11 **PROGRAMS.** During the 2023-24 interim, the department of health and human services shall  
12 provide reports to the legislative management regarding the status of early childhood programs  
13 managed by the department.

14 **SECTION 32. EFFECTIVE DATE.** Section 19 of this Act becomes effective on January 1,  
15 2024.